

# **EXHIBIT 35**

US District Court - Delaware  
Chapter 11 - W.R. Grace

FINAL - Oct. 23, 2007  
William Longo, Ph.D.

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IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

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CHAPTER 11  
IN RE: W.R. GRACE & CO., et al.

Debtor,

Case No. 01-1139 (JFK)  
Jointly Administered

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VIDEOTAPED DEPOSITION OF  
William E. Longo, Ph.D.  
October 23, 2007  
Duluth, Georgia  
Lead: Douglas E. Cameron, Esquire  
Firm: Reed Smith

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1       **indirect preparation method results in a**  
2       **disaggregation or breakup of particles during**  
3       **sonication?**

4       A. No.

5       **Q. Okay. So it's your opinion that the**  
6       **indirect preparation does not affect or increase the**  
7       **asbestos fiber counts?**

8       A. Yes and no.

9       **Q. Give me the yes and then give me the no.**

10       A. Yes, if there is loosely associated  
11       asbestos fibers that normally would be counted by  
12       direct as one structure but are not of the original  
13       structure, meaning it is a false structure, so to  
14       speak. The indirect would give you a higher count  
15       than the direct.

16       But no, if it's the position that the  
17       indirect is causing a positive bias in the sample,  
18       such that structures that were normally an intact  
19       structure and then going through the indirect process  
20       has become unattached and skewing the accounts, the  
21       answer is no, it doesn't happen.

22       **Q. Are you aware of any peer-reviewed**  
23       **publications that conclude sample preparation -- the**  
24       **indirect sample preparation does affect asbestos**  
25       **fiber size and fiber counts?**

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1 A. Yes.

2 Q. Go through a couple of those here, if we  
3 could.

4 (Longo Exhibit 10 was marked for  
5 identification.)

6 Q. (By Mr. Cameron) Show you what's been  
7 marked as Deposition Exhibit Number 10 and I will ask  
8 you, are you familiar with or aware of the study by,  
9 I will probably pronounce the names wrong, is it  
10 Sahle and Laszlo?

11 A. Yes. I mean, I have reviewed these in the  
12 past. It's probably been ten years.

13 Q. And these are scientists in Sweden; is  
14 that correct?

15 A. That's correct.

16 Q. If you look at the abstract, the writers  
17 found that "the indirect sample transfer technique  
18 effects the fiber size distribution of different  
19 materials differently." Do they not?

20 A. That's what it states.

21 Q. If you turn over to Page 30, they also  
22 noted, didn't they, that there were authors who --  
23 and I'm quoting -- "suggested that owing to the  
24 breakup of the airborne fibers into smaller units and  
25 drastic change of fiber size distribution, the use of

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1 A. That's correct.

2 **Q. Nothing else?**

3 A. For my direct examination, that's correct.

4 **Q. And have you published anything in the**  
5 **peer-reviewed literature that discusses the effect or**  
6 **noneffect of indirect preparation?**

7 A. No. But I have published using indirect  
8 TEM data in peer-reviewed publications -- in  
9 peer-review publications. And just like the  
10 peer-reviewed publications that you've shown me here  
11 which say indirect breaks things up, I've published  
12 in a peer-reviewed journal where we use indirect prep  
13 and talk about the exposures and never received any  
14 criticism about the indirect prep in a peer-review  
15 publication.

16 **Q. Can you point me to the articles by your**  
17 **peers in the microscopy community that claims**  
18 **indirect preparation did not affect asbestos fiber**  
19 **size or fiber count or apparent concentrations?**

20 A. No. I can just point you to the  
21 peer-review publications where they say we used  
22 indirect preparation -- indirect asbestos  
23 preparation, here's our results.

24 **Q. And your view is nobody's commented on**  
25 **those results that you've published?**

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1 off of Monokote-3 or thermal insulation and makes a  
2 determination that there's 15 percent asbestos in  
3 this thermal insulation, or there's 10 percent  
4 asbestos in this fireproofing that's a cementitious  
5 material, nobody tries to make a determination of  
6 what that air level is based on that bulk sample, and  
7 nobody should try to make a determination of what the  
8 air level is based on an asbestos-containing dust.

9 It's just one of the tools they use to  
10 help evaluate if there is a potential problem.  
11 That's what dust is and that's what bulk samples are.

12 **Q. Is it your -- you're familiar with**  
13 **NIOSH 7400, correct?**

14 A. I am.

15 **Q. And is it your opinion that NIOSH 7400**  
16 **Method recognizes indirect preparation for PCM**  
17 **analysis?**

18 A. The PCM analysis is a direct preparation.

19 **Q. Are you familiar with the AHERA**  
20 **regulations?**

21 A. That is also a direct preparation.

22 **Q. Are you familiar with the Yamate method?**

23 A. I am. That has both, direct and indirect,  
24 as well as the ASTM dust method is indirect. The ISO  
25 international method has an indirect dust, the EPA